

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

K. KABASHA GRIFFIN-EL, also known)
as KEITH FEDELE GRIFFIN,)
Petitioner)
vs.) Civil Action No. 08-1018
) Judge Nora Barry Fischer/
SUPERINTENDENT DAVID) Chief Magistrate Judge Amy Reynolds Hay
DIGUGLIELMO; THE DISTRICT)
ATTORNEY OF THE COUNTY OF)
ALLEGHENY; THE ATTORNEY)
GENERAL OF THE STATE OF)
PENNSYLVANIA,)
Respondents)

O R D E R

AND NOW, this 14 day of December, 2009, after the Petitioner, K. Kabasha Griffin-El, also known as Keith Fedele Griffin, filed an action in the above-captioned case, and after a Report and Recommendation was filed by the United States Magistrate Judge granting the parties until November 30, 2009 , to file written objections thereto, and no objections having been filed, and upon independent review of the record, and upon consideration of the Magistrate Judge's Report and Recommendation, which is adopted as the opinion of this Court,

IT IS HEREBY ORDERED that the habeas petition filed pursuant to 28 U.S.C. § 2254 is dismissed as time barred or, in the alternative, as being meritless.

IT IS FURTHER ORDERED that a certificate of appealability is denied.

IT IS FURTHER ORDERED that, pursuant to Rule 4(a)(1) of the Federal Rules of Appellate Procedure, if the parties desire to appeal from this Order they must do so within

thirty (30) days by filing a notice of appeal as provided in Rule 3, Fed. R. App. P.

Nora Barry Fischer
NORA BARRY FISCHER
United States District Judge

cc: Honorable Amy Reynolds Hay
Chief United States Magistrate Judge

K. Kabasha Griffin-El
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All Counsel of Record by electronic filing